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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,418	07/13/2001	Sunil Kulkarni	US 019011	4726
38107 7590 03/02/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143			EXAMINER MALEVIC, DJURA	
			ART UNIT 2884	PAPER NUMBER
			MAIL DATE 03/02/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re Application of:
Kulkarni, et al..
Serial No.: 09/905,418
Filed: July 13, 2001
Attorney Docket No.:

PHUS019011US?PKRZ200876

DECISION ON PETITION
FOR ENTRY OF THE AMENDMENT OF
JANUARY 18, 2007

This is a decision in response to the communication filed April 30, 2007. The communication has been treated as a petition under 37 C.F.R. § 1.181, to enter the amendment filed with the Appeal Brief of January 18, 2007. No petition fee is required.

The petition is **DENIED**.

37 C.F.R. 41.33 (b) and (c). state clearly that "Amendments filed **on or after the date of filing a brief** pursuant to 41.37 may be admitted : (1) To cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding, or (2) To rewrite dependent claims into independent form. (c) All other amendments filed after the date of filing an appeal pursuant to 41.31 (a)(1) through (a)(3) will not be entered except as permitted by 43.39 (b)(1), 41.50 (a)(2)(i), 41.50 (b)(1) and 41.50(c)" (emphasis added).

Appellant's amendment does not fall under any of these sections of the Rules and is therefore properly denied entry. Appellant's arguments regarding 37 C.F.R. 41.33(a) are not persuasive as 41.33(a) deals with amendments "filed after the date of filing an appeal pursuant to 41.31(a)(1) through (a)(3) and **prior to the date a brief is filed** pursuant to 41.37" (emphasis added).

Any inquiry regarding this decision should be directed to David P. Porta, Supervisory Patent Examiner, at (571) 272-2444.

The application file will continue to be processed for appeal.

Cassandra Spyrou, Acting Director
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